

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

SUZANNE NEMEC,)
v.)
Plaintiff,)
Case No. 14 C 9815
REGIONAL RECOVERY SERVICES, INC.)
c/o Sheryl K. Schumann)
18505 Stewart Avenue)
Homewood, IL 60430,)
Defendant.)

MEMORANDUM ORDER

Suzanne Nemec ("Nemec") has sued Regional Recovery Services, Inc. ("Regional Recovery"), charging it with a violation of the Fair Debt Collection Practices Act ("Act") (see the jurisdiction-conferring provision of Section 1692k(d)¹) through its effort to collect a debt that Nemec asserts had been discharged by her voluntary bankruptcy. Although this Court is contemporaneously issuing its customary scheduling order, which in part sets an initial status hearing date, this memorandum order is issued *sua sponte* because of a possibly problematic aspect of Nemec's Complaint.

Complaint ¶ 7 states the predicate for characterizing Regional Recovery as a "debt collector" as defined in Section 1692a(6):

Defendant regularly attempts to collects, or attempts to collect, debts owed or due another.

But Complaint ¶ 8 then goes on to allege (emphasis added):

¹ This, like all other citations to the Act, takes the form "Section --," citing to the appropriate statutory section in Title 15 but omitting the prefatory "15 U.S.C. § --."

At all times relevant, Defendant owned the Debt or was retained to collect the Debt.

If that second alternative (which echoes Complaint ¶ 7) is accurate, Regional Recovery is indeed a "debt collector" subject to the restrictions imposed by the Act. But if instead the first alternative is accurate -- that is, if Regional Recovery itself owned the debt in issue -- its effort to recoup an obligation that it owned could take the Act out of play.² For now this Court has not looked into that possibility -- for now it is enough to have focused the attention of the parties on the subject.



Milton I. Shadur
Senior United States District Judge

Date: December 9, 2014

² In that respect, the literal language of Section 1692a(6) might perhaps treat Regional Recovery as a statutory "debt collector" even though in Nemec's case it was seeking to recover an obligation that it owned itself.